

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

To:

F.R. KELLY & CO.
Attn. Boyce, Conor
27 Clyde Road
Ballsbridge
Dublin 4
IRLANDE

RECEIVED

23 MAY 2008

Computer Diaried

DATE: 8/29/08

(PCT Rule 44.1)

Date of mailing
(day/month/year)

29/05/2008

Applicant's or agent's file reference

P84456PC00

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP2008/001510

International filing date
(day/month/year)

26/02/2008

Applicant

FOTONATION VISION LIMITED

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
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Fax: (+31-70) 340-3016

Authorized officer

Shantisaroop Pherai

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P84456PC00	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2008/001510	International filing date (day/month/year) 26/02/2008	(Earliest) Priority Date (day/month/year) 30/04/2007
Applicant FOTONATION VISION LIMITED		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 2
☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No

PCT/EP2008/001510

A. CLASSIFICATION OF SUBJECT MATTER

INV. H04N5/232 G06K9/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

H04N G06K G06T

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JP 2006 005662 A (NIPPON KOGAKU KK) 5 January 2006 (2006-01-05)	1-7, 13-18
Y	paragraph [0006] paragraphs [0014], [0015] paragraphs [0023] - [0031] paragraph [0041] paragraphs [0045] - [0055] figure 8	8-12
Y	----- US 2004/170397 A1 (ONO SHUJI [JP]) 2 September 2004 (2004-09-02) paragraphs [0104] - [0111] paragraphs [0131] - [0133] ----- -/--	8,9,11, 12



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

21 May 2008

Date of mailing of the international search report

29/05/2008

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
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Fax: (+31-70) 340-3016

Authorized officer

Potin, Delphine

INTERNATIONAL SEARCH REPORT

International application No

PCT/EP2008/001510

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2002/176609 A1 (HSIEH CHUN-WEI [TW] ET AL) 28 November 2002 (2002-11-28) paragraphs [0009], [0010] paragraphs [0026], [0027] paragraphs [0032], [0033] figures 1,2 -----	10
A	JP 2006 254358 A (OMRON TATEISI ELECTRONICS CO) 21 September 2006 (2006-09-21) abstract paragraph [0012] -----	3,6,7
A	US 2006/210264 A1 (SAGA YOSHIHIRO [JP]) 21 September 2006 (2006-09-21) figure 4 paragraph [0079] paragraphs [0078] - [0100] figures 2-4 -----	1-4, 15-18
A	US 2005/275721 A1 (ISHII YUSUKE [JP]) 15 December 2005 (2005-12-15) paragraphs [0023], [0024] paragraphs [0065] - [0078] figures 1-4 -----	1-4, 15-18
A	US 2006/147192 A1 (ZHANG JIAN [CN] ET AL) 6 July 2006 (2006-07-06) abstract paragraphs [0004] - [0014] paragraphs [0025], [0026] -----	3,8,9, 11,12

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/EP2008/001510

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 2006005662 A	05-01-2006	NONE	
US 2004170397 A1	02-09-2004	NONE	
US 2002176609 A1	28-11-2002	TW 505892 B	11-10-2002
JP 2006254358 A	21-09-2006	NONE	
US 2006210264 A1	21-09-2006	JP 2006295888 A	26-10-2006
US 2005275721 A1	15-12-2005	JP 2006033793 A	02-02-2006
US 2006147192 A1	06-07-2006	CA 2517989 A1	05-07-2006
		CN 1642233 A	20-07-2005
		DE 102005052901 A1	13-07-2006
		FR 2880452 A1	07-07-2006
		GB 2422020 A	12-07-2006
		JP 2006191526 A	20-07-2006
		KR 20060080526 A	10-07-2006
		RU 2302026 C2	27-06-2007

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2008/001510

International filing date (day/month/year)
26.02.2008

Priority date (day/month/year)
30.04.2007

International Patent Classification (IPC) or both national classification and IPC
INV. H04N5/232 G06K9/00

Applicant
FOTONATION VISION LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
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Date of completion of
this opinion

See form
PCT/ISA/210

Authorized Officer

Potin, Delphine

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2008/001510

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2008/001510

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>8-12</u>
	No: Claims	<u>1-7,13-18</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-18</u>
Industrial applicability (IA)	Yes: Claims	<u>1-18</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1. Reference is made to the following documents:

D1: JP2006005662 A (NIPPON KOGAKU KK) 5 January 2006 (2006-01-05)
D2: US2004/170397 A1 (ONO SHUJI [JP]) 2 September 2004 (2004-09-02)
D3: US2002/176609 A1 (HSIEH CHUN-WEI [TW] ET AL) 28 November 2008
(2008-11-28)

2. The application does not meet the requirements of Article 6 PCT, because claims 1, 2, 3, 4 and 15 are not concise (see **Re Item VIII**).

3. INDEPENDENT CLAIM 1

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of 1 is not new in the sense of Article 33(2) PCT.

- 3.2 Document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to the automatic translation provided by the internet service of the Japanese Patent Office) this document):

A method operable in an image acquisition device for controlling a decisive moment of exposure including determining a change in a monitored scene by addition of a new face in the scene and then automatically acquiring an image of the scene (paragraphs [0050], [0052]).

4. INDEPENDENT CLAIM 2

- 4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of 2 is not new in the sense of Article 33(2) PCT.

- 4.2 Document D1 is regarded as being the closest prior art to the subject-matter of claim 2, and discloses:

A method operable in an image acquisition device for delaying an instant of exposure including detecting a new face in a monitored scene and only then automatically acquiring an image of the scene (paragraphs [0050], [0052]).

5. INDEPENDENT CLAIM 3

- 5.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 3 is not new in the sense of Article 33(2) PCT.

- 5.2 Document D1 is regarded as being the closest prior art to the subject-matter of claim 3, and discloses:

A method operable in an image acquisition device for controlling a decisive moment of exposure comprising:

- acquiring a first image of a scene to be captured (paragraph [0020]);
- determining one or more faces present in said first image (paragraph [0023]);
- subsequently acquiring one or more further images nominally of said scene (paragraphs [0024]-[0025]); and
- responsive to detection of a predetermined number of one or more new faces in at least one of said one or more further images, acquiring a final image of said scene (paragraphs [0014]-[0015], [0031] and [0051]-[0052]).

6. INDEPENDENT CLAIM 4

- 6.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of 4 is not new in the sense of Article 33(2) PCT.

- 6.2 Document D1 is regarded as being the closest prior art to the subject-matter of claim

4, and discloses:

A method operable in an image acquisition device for controlling a decisive moment of exposure comprising:

- acquiring a first image of a scene to be captured (paragraph [0020]);
- determining one or more faces present in said first image (paragraph [0023]);
- subsequently acquiring one or more further images nominally of said scene (paragraphs [0024]-[0025]); and
- tracking said one or more faces determined as being present in said first image (paragraphs [0029]-[0030]);
- responsive to detection of a predetermined number of one or more new faces in at least one of said one or more further images, acquiring a final image of said scene (paragraphs [0014]-[0015] and [0031]).

7. INDEPENDENT CLAIM 15

7.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of 15 is not new in the sense of Article 33(2) PCT.

7.2 Document D1 is regarded as being the closest prior art to the subject-matter of claim 15, and discloses:

A method operable in an image acquisition device for controlling a decisive moment of exposure comprising:

- acquiring a first image of a scene to be captured (paragraph [0020]);
- determining one or more faces present in said first image (paragraph [0023]);
- postponing an instant of exposure of a final image until a predefined number of new faces appear in a subsequently acquired image of said scene (paragraphs [0014]-[0015] and [0031]).

8. INDEPENDENT CLAIM 16

- 8.1 The reasoning above concerning the method claims 1-15 applies mutatis mutandis to the program claim 16.

9. INDEPENDENT CLAIM 17

- 9.1 The reasoning above concerning the method claims 1-15 applies mutatis mutandis to the device claim 17.

10. DEPENDENT CLAIMS 5-14, 18

- 10.1 Dependent claims 5-14, 17, 18 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).
- 10.2 The subject-matter of claims 5-7, 13 and 14 is disclosed in document D1 (paragraphs [0006], [0015], [0029]-[0031]).
- 10.3 The subject-matter of claims 8, 9, 11 is covered by the combination of document D1 with document D2 ([0104]-[0111]).
- 10.4 The subject-matter of claim 10 is covered by the combination of document D1 with document D3 ([0032]-[0033]).

Re Item VIII.

11. Although claims 1, 2, 3, 4 and 15 have been drafted as separate independent claims,

they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.